S.B. Civil Writ Petition NO.3573/2004

Rajendra & Anr.

vs

The Board of Revenue & Ors.

DATE OF ORDER : - 18.3.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr.G.R.Punia, for the petitioner.

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Heard learned counsel for the petitioner.

According to petitioner, the land in question was allotted to the petitioner in the year 1983. The allotment was set aside on the appeal against the said allotment order and matter was remanded back, but after remand, the land was allotted to one Balaram. According to petitioner, the said allotment order was set aside again by the order of the revenue appellate authority dated 16th July, 2001 and the matter was again remanded back to the lower authority. In the remand order it is mentioned that the matter be examined after giving notice to the adjoining agriculturists. The order of the revenue appellate authority dated 16.7.2001 was challenged by filing revision petition before the Board of Revenue. The revision petition was dismissed by the Board of

Revenue vide order dated 2nd Sept., 2003.

According to learned counsel for the petitioner, the petitioner deposited the entire cost of the land in the year 1983 and there is no necessity to give notice to the adjoining agriculturists. According to learned counsel for the petitioner, even in case now fresh allotment order will be passed in favour of the petitioner, the respondents may determine the present market cost of the land.

I considered the submissions of learned counsel for the petitioner. Since the allotment order, which was passed in the year 1983 itself was challenged in the year 1983 itself and the entire time was taken in the court only and presently the matter will have to be re-examined by the allotting authority afresh and for that purpose the matter has been remanded by the appellate authority. Therefore, there appears to be no reason to interfere in this matter. However, in case, any higher amount is demanded from the petitioner on the ground that the allotment order has originally passed in favour of the petitioner has been cancelled and a fresh allotment order is required to pass, the petitioner may raise all his objections before the concerned authority, which are available to the petitioner in law and the authority will decide the matter in accordance with law only. This court cannot re-suppose what the order will be.

In view of the above, I do not find any merit in this writ petition and the same is hereby dismissed.

(Prakash Tatia), J.

c.p.goyal/-